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Letter dated 26 April 2006 from the Permanent Representative of Guatemala to the United Nations addressed to the President of the General Assembly

I have the honour to write to you with reference to the candidacy of the Government of Guatemala for a seat on the Human Rights Council in the elections to be held on 9 May 2006.

Under the terms of General Assembly resolution 60/251, Member States, when electing members of the Human Rights Council, are to take into account the contribution of candidates to the promotion and protection of human rights and the commitments they have made thereto.

Accordingly, I am transmitting herewith a document whereby the Government of Guatemala presents its pledges and commitments with respect to the promotion and protection of human rights, in support of Guatemala's candidacy for membership of the Human Rights Council (see annex).

(*Signed*) Jorge **Skinner-Klée**
Ambassador
Permanent Representative

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Annex to the letter dated 26 April 2006 from the Permanent Representative of Guatemala to the United Nations addressed to the President of the General Assembly

Voluntary pledges and commitments made by Guatemala for the promotion and protection of human rights

The Government of Guatemala reiterates its desire to demonstrate its interest in and commitment to working unceasingly to ensure the full enjoyment of human rights for all, especially those who, owing to special circumstances, are considered to be particularly vulnerable and unprotected.

Article 1 of the Political Constitution of Guatemala provides that "The State of Guatemala shall take measures to protect the individual and the family, its supreme objective shall be to ensure the common good". This fundamental precept is complemented by the provisions of article 46, which establish the "pre-eminence of international law and the general principle that, in matters pertaining to human rights, the treaties and agreements accepted and ratified by Guatemala shall have pre-eminence over domestic law". Thus, Guatemala has an ineluctable commitment to promoting the full exercise of human rights within a stable, permanent and participatory institutional order, in which both the government and the governed act in strict accordance with the law.

This commitment was renewed and deepened with the signing of the peace agreements in late 1996, which put an end to four decades of internal armed conflict and established economic and social development, multiculturalism, the consolidation of democracy and full respect for human rights as the four cardinal points of Guatemala's nation-building endeavour.

In our view, we have a duty to share our experience with the international community, as a country that has emerged from conflict with the conviction that we must make every effort to avoid repeating that dark period of our history and to help all States that are still mired in conflict, are in the process of resolving conflicts or are in post-conflict situations.

It is essential to take into account the long road that Guatemala has travelled in order to appreciate the progress it has made with respect to human rights; the return of refugees and displaced persons; the meaning of democracy; the clarification of past crimes against humanity; the recognition of the identity and rights of indigenous peoples; compensation for victims of the conflict; efforts to combat racism; promotion of the rights of women, children, migrants and persons with disabilities; and the strengthening of civilian power and the role of the armed forces in peacetime. These efforts were duly reflected in Guatemala's participation in the Commission on Human Rights, and we pledge to sustain them in the future work of the Human Rights Council.

At the national level, Guatemala has an entire institutional framework devoted to the protection and monitoring of human rights, starting with the Political Constitution itself, which establishes the Office of the Human Rights Ombudsman as an autonomous, independent entity whose establishment and operation are in full conformity with the Paris Principles. This Office is headed by a Commissioner of

the Congress of the Republic, who oversees the protection of the population's rights in all spheres.

On the basis of the peace agreements, Guatemala has continued to build up and strengthen its national institutions and has established various committees for this purpose, including the Presidential Committee on Human Rights, which coordinates the executive branch's human rights policy; the Presidential Committee on Discrimination and Racism against Indigenous Peoples in Guatemala; the Peace Secretariat; the National Peace Fund, which provides soft loans for the purchase of land; the National Committee for Refugees and for Repatriated and Displaced Persons; and the Presidential Secretariat for Women, which on 8 March 2006 formed the Committee to Combat Femicide in order to provide the State of Guatemala with a strategy and proposals for action that will enable it to address the heinous crime of femicide in an integrated, coordinated and holistic manner through all three branches of government and with the involvement of civil society. Guatemala pledges that, if elected, it will continue to support and strengthen its institutions, inter alia by establishing any new ones that may be necessary.

In addition, Guatemala has undertaken a commitment, also based on the peace agreements, to safeguard the rights of indigenous peoples at both the national and international levels. At the national level, the authorities are implementing a Public Agenda for Indigenous Peoples drawn up under the coordination and leadership of Rigoberta Menchú Tum, the Nobel Peace Prize winner and goodwill ambassador for the peace agreements.

Guatemala has been a steadfast and active supporter of initiatives to promote the human rights of indigenous peoples in a number of international forums. At the Organization of American States, the ambassador serving as Guatemala's alternate representative chairs the working group responsible for preparing a draft American declaration on the rights of indigenous peoples. At the Commission on Human Rights, Guatemala contributed actively to the preparation of a United Nations declaration on the rights of indigenous peoples. Accordingly, Guatemala pledges that, if elected to the Human Rights Council, it will continue to support the advancement of indigenous peoples' rights and, in particular, will advocate the adoption of a United Nations declaration on the rights of indigenous peoples as soon as possible.

At the international level, Guatemala is a party to the principal regional and universal instruments on human rights. It cooperates closely with the treaty monitoring bodies and complies with its periodic reporting obligations. On occasion, such reports have been submitted late, and in this connection Guatemala pledges to increase its efforts to submit its reports by the established deadlines.

One of the legacies of the Commission on Human Rights is the array of legal instruments that have become a frame of reference for the promotion and protection of human rights. As a member of the Commission, Guatemala played an active role in the negotiation and adoption of many of these instruments. It pledges that, if elected to the Human Rights Council, it will continue to promote the strengthening of this important regulatory framework.

Also on the basis of the provisions of the peace agreements, Guatemala contributed, at the Commission on Human Rights, to the establishment of the Working Group on the draft international convention for the protection of all

persons against enforced disappearances and to the successful conclusion of the negotiations on the draft. Guatemala pledges to support the adoption of this text by the Council as soon as possible. It also pledges to continue to support the work being carried out with a view to the speedy adoption of an optional protocol to the International Covenant on Economic, Social and Cultural Rights.

Guatemala attaches the highest importance to the system of special procedures established by the Commission on Human Rights. Thus, within the Commission, it promoted and supported the establishment of these mechanisms and the renewal of their mandates; extended them a standing invitation to visit the country; cooperated fully with them; and responded positively to all their requests, as well as to their urgent appeals. Guatemala pledges that, within the Human Rights Council, it will continue to cooperate with the system of special procedures and will seek to enhance its effectiveness.

In 2005, at the request of the Government of Guatemala, the Office of the United Nations High Commissioner for Human Rights (OHCHR) set up a country office in Guatemala to provide the authorities with technical assistance and cooperation for the development and implementation of policies and programmes to promote and protect human rights.

This request for the establishment of such an office is a clear sign of the State's firm commitment to working tirelessly to ensure that the whole population fully enjoys all human rights and fundamental freedoms.

The OHCHR presence in Guatemala is a guarantee that Guatemala will strive, at the national and international levels, to ensure that all human rights are fully enjoyed by all people.

Guatemala's active participation in the work of the Commission on Human Rights enabled it to acquire experience in comprehensively addressing human rights issues in different parts of the world. What is more, Guatemala was itself subject to the Commission's scrutiny until 1997 and hosted the United Nations Verification Mission in Guatemala until 2004. It therefore has special insight into the contributions that the international community can make to individual countries.

Guatemala is convinced of the importance of fostering coordination and cooperation among all the countries of the world to consolidate the system for the promotion and protection of human rights. It pledges to work within the Council to ensure, in an equitable, objective and non-selective manner, the exercise and observance of human, economic, social, cultural, civil and political rights, including the right to development.

It believes in building preventive capacity and in the need to develop a reliable database, untainted by political or personal interests, for the identification of situations that may lead to serious, systematic human rights violations in any part of the world.

Guatemala affirms the need to promote cooperation, develop mechanisms for dialogue and strengthen the participation of civil society, inter alia through non-governmental organizations.